

House File 392 - Introduced

HOUSE FILE 392
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 42)

A BILL FOR

1 An Act relating to professional licensing by making changes to
2 the Iowa plumber, mechanical professional, and contractor
3 licensing Act and to the fee structure for professional
4 licenses.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 105.2, subsections 8 and 16, Code 2011,
2 are amended to read as follows:

3 8. "Hydronic" means a heating or cooling system that
4 transfers heating or cooling by circulating fluid through
5 a closed system, including boilers, pressure vessels,
6 refrigerated equipment in connection with chilled water
7 systems, all steam piping, hot or chilled water piping together
8 with all control devices and accessories, installed as part of,
9 or in connection with, any ~~comfort~~ heating or ~~comfort~~ cooling
10 system or appliance using a liquid, water, or steam as the
11 heating or cooling media. "Hydronic" includes all low-pressure
12 and high-pressure systems and all natural, propane, liquid
13 propane, or other gas lines associated with any component of
14 a hydronic system.

15 16. "Refrigeration" means any system of refrigeration
16 regardless of the level of power, if such refrigeration is
17 intended to be used for the purpose of food processing and
18 product preservation and is ~~not~~ also intended to be used
19 for comfort systems. "Refrigeration" includes all natural,
20 propane, liquid propane, or other gas lines associated with any
21 component of refrigeration.

22 Sec. 2. Section 105.5, subsection 1, Code 2011, is amended
23 to read as follows:

24 1. Any person desiring to take an examination for a license
25 issued pursuant to this chapter shall make application to
26 the board in accordance with the rules of the board. The
27 application form shall be no longer than two pages in length.
28 The board may require that a recent photograph of the applicant
29 be attached to the application.

30 Sec. 3. Section 105.9, subsection 2, Code 2011, is amended
31 to read as follows:

32 2. The board shall set the license fees and renewal fees for
33 all licenses issued pursuant to this chapter, by rule, ~~based~~
34 ~~upon the costs of sustaining the board and the actual costs of~~
35 ~~licensing.~~

1 Sec. 4. Section 105.9, subsection 5, Code 2011, is amended
2 to read as follows:

3 5. a. Commencing July 2009, and every ~~biennium~~ year
4 thereafter, the board shall review its revenue, including
5 amounts generated from license fees set pursuant to this
6 chapter, and its expenses for purposes of reevaluating its
7 fee structures. ~~The board shall establish a reduced rate for~~
8 ~~combined licenses.~~

9 b. The fee for each license after the initial master license
10 is purchased is one-half of the cost of the initial master
11 license.

12 Sec. 5. Section 105.9, Code 2011, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 6. The fee for an apprentice and a
15 journeyman license is fifty dollars.

16 NEW SUBSECTION. 7. The fee for a master license is one
17 hundred twenty-five dollars.

18 Sec. 6. Section 105.10, Code 2011, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 6. All licenses issued under this chapter
21 shall be issued for a three-year period.

22 Sec. 7. Section 105.11, subsections 3 and 7, Code 2011, are
23 amended to read as follows:

24 3. ~~Prohibit an owner of property from performing work on the~~
25 ~~owner's principal residence, if such residence is an existing~~
26 ~~dwelling rather than new construction and is not larger than a~~
27 ~~single-family dwelling, or farm property, excluding commercial~~
28 ~~or industrial installations or installations in public use~~
29 ~~buildings or facilities, or require such owner to be licensed~~
30 ~~under this chapter. In order to qualify for inapplicability~~
31 ~~pursuant to this subsection, a residence shall qualify for the~~
32 ~~homestead tax exemption~~ residential property, if the property
33 is not income-producing property.

34 7. Require a helper engaged in general manual labor
35 activities while providing assistance to an ~~apprentice,~~

1 a journeyperson, or master to obtain a plumbing, HVAC,
2 refrigeration, or hydronic license. ~~Experience as a helper~~
3 ~~shall not be considered as practical experience for a~~
4 ~~journeyperson license.~~

5 Sec. 8. Section 105.11, Code 2011, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 14. Apply to a person who is performing
8 work on a volunteer, non-paid basis or assisting a property
9 owner performing non-paid work on the owner's residential
10 property.

11 Sec. 9. Section 105.18, subsection 2, paragraph b,
12 subparagraph (1), subparagraph division (c), Code 2011, is
13 amended by striking the subparagraph division.

14 Sec. 10. Section 105.18, subsection 2, paragraph c, Code
15 2011, is amended to read as follows:

16 c. Master license. In order to be licensed by the board as
17 a master, a person shall do all of the following:

18 (1) File an application and pay application fees as
19 established by the board, ~~which application shall establish~~
20 ~~that the person meets the minimum educational and experience~~
21 ~~requirements adopted by the board.~~

22 (2) Pass the state master licensing examination for the
23 applicable discipline.

24 (3) Provide evidence to the board that the person has
25 ~~previously been a licensed journeyperson or master in the~~
26 applicable discipline worked in the planning or superintending
27 of the design, installation, or repair of plumbing, HVAC,
28 refrigeration, or hydronics, and who is familiar with the laws
29 and rules governing the profession.

30 Sec. 11. Section 105.20, subsection 6, Code 2011, is amended
31 to read as follows:

32 6. a. The board shall establish continuing education
33 requirements pursuant to section 272C.2. The basic continuing
34 education requirement for renewal of a license shall be the
35 completion, during the immediately preceding license term, of

1 the number of classroom hours of instruction required by the
2 board in courses or seminars which have been approved by the
3 board. The board shall require at least eight classroom hours
4 of instruction during each three-year licensing term.

5 b. A licensee shall have a thirty-day grace period if the
6 required education is unavailable within fifty miles of the
7 licensee's residence.

8 Sec. 12. NEW SECTION. 105.31 License refund.

9 The board shall return three million dollars to the
10 individuals who paid the fees on a pro rata basis based on the
11 initial cost of the license.

12 Sec. 13. Section 272C.2, Code 2011, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6. Each licensing board shall submit a
15 report to the general assembly within sixty days following
16 the end of each fiscal year. The reports shall include a
17 balance sheet projection extending no less than three years.
18 If the revenue projection exceeds expense projections by more
19 than ten percent, each board shall adjust their fee schedules
20 accordingly, so that projected revenues are no more than ten
21 percent higher than projected expenses. The revised fees shall
22 be implemented no later than January 1 of the current fiscal
23 year in which the report is submitted.

24 Sec. 14. Section 331.301, subsection 6, Code 2011, is
25 amended to read as follows:

26 6. a. A county shall not set standards and requirements
27 which are lower or less stringent than those imposed by state
28 law, but may set standards and requirements which are higher or
29 more stringent than those imposed by state law, unless a state
30 law provides otherwise.

31 b. A county may not impose any fee for plumbing, HVAC,
32 refrigeration, or hydronic systems work.

33 Sec. 15. Section 364.3, subsection 3, Code 2011, is amended
34 to read as follows:

35 3. a. A city may not set standards and requirements which

1 are lower or less stringent than those imposed by state law,
2 but may set standards and requirements which are higher or more
3 stringent than those imposed by state law, unless a state law
4 provides otherwise.

5 b. A city may not impose any fee for plumbing, HVAC,
6 refrigeration, or hydronic systems work.

7 EXPLANATION

8 This bill revises the Iowa plumber, mechanical professional,
9 and contractor licensing Act (Code chapter 105).

10 The bill revises the definition of the term "refrigeration"
11 to include all natural, propane, liquid propane, or other gas
12 lines associated with any component of refrigeration. The
13 bill amends the definition of "hydronic" to strike the word
14 "comfort" modifying "heating" and "cooling".

15 The bill provides that the application for a license under
16 Code chapter 105 can be no longer than two pages.

17 The bill sets out license fees. The fee for an apprentice
18 and a journeyman license is \$50. The fee for a master license
19 is \$125. The fee for each license after the initial master
20 license is one-half of the cost of the initial master license.
21 All licenses are issued for a three-year period. The licensing
22 board is required to rebate \$3 million to those licensees who
23 have paid the fees. The bill strikes the requirement that the
24 licensing board set license and renewal fees based on the costs
25 of sustaining the board and the actual costs of licensing.

26 The bill allows the owner of any residential property to
27 perform work on that property without a license, as long as
28 that property is not income producing. The bill also exempts
29 a person performing work on a volunteer, non-paid basis or
30 assisting a property owner performing non-paid work on the
31 owner's residential property.

32 The bill eliminates a requirement that a journeyperson have
33 four years of experience as an apprentice.

34 The bill changes the requirements for a master license,
35 eliminating educational and experience requirements. The

1 applicant for a master license must show that the applicant
2 has worked in the planning or superintending of the design,
3 installation, or repair of plumbing, HVAC, refrigeration, or
4 hydronics, and is familiar with the laws and rules governing
5 the profession.

6 The bill provides that a city or a county may not impose
7 any fee for plumbing, HVAC, refrigeration, or hydronic systems
8 work.

9 The bill requires that all Iowa licensing boards submit
10 a report to the general assembly each fiscal year which
11 includes a three-year balance sheet projection. If the revenue
12 projection exceeds expense projections by more than 10 percent,
13 each board shall adjust their fee schedules accordingly, so
14 that projected revenues are no more than 10 percent higher than
15 projected expenses.